

Memorandum

To : Vance Raye
Office of the Governor

Date : March 23, 1987

From : FAIR POLITICAL PRACTICES COMMISSION
Diane M. Griffiths, General Counsel

Subject : Reporting Free Meals During International Travel on Official
Business
Our File No. A-87-091

This memorandum will confirm our telephone conversation of March 20, 1987, concerning reporting of free meals received during international travel on official state business.

The facts provided to me were as follows: The Governor traveled to Japan on official state business. Some staff members traveled with the Governor, also on official state business. Official duties included attending certain lunch and dinner functions. Staff did not claim per diem, nor did they pay for meals at such functions. The Japanese government hosted some events. Various Japanese business entities hosted the others. The Governor was asked to, and did, speak at virtually all of these functions.

Commission Regulation 18728(a) (2 Cal. Adm. Code Section 18728(a)) applies to events at which the Governor spoke. That regulation provides that free food, beverages and similar nominal benefits provided to an official at an event at which he speaks need not be reported. Under this regulation, the Governor is not required to report free meals he received if he gave a speech in connection with the meal.

The Commission has previously advised that free meals provided by a foreign government are gifts even if received during official business travel to that foreign nation. (See Advice Letter to Hon. Larry Stirling, No. A-85-045, a copy of which has been provided to you.) They must be reported if they equal or exceed \$50 in value. Except as noted in the paragraph which follows this one, this rule applies to free meals provided to staff and to the Governor if he did not give a speech.

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When an official travels on official state business to a foreign nation, he or she may be expected to attend certain ceremonial state functions. Custom may dictate that meals will be served at such functions, and the hosting nation may not expect or accept reimbursement for the cost of the meals. Under these circumstances, free meals received by public officials need not be reported. This exception applies to free meals received by the Governor and his staff at ceremonial dinners hosted by the Japanese government. It would not apply to meals provided by Japanese business entities, nor to routine meals provided by the government.

DMG:plh